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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,886	12/17/2001	Steve Vican	CITI0314	7290

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KILPATRICK STOCKTON LLP
607 14TH STREET, N.W.
WASHINGTON, DC 20005

EXAMINER

MOORTHY, ARAVIND K

ART UNIT	PAPER NUMBER
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2131

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07/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/015,886	Applicant(s) VLCAN ET AL.	
	Examiner Aravind K. Moorthy	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-11 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-11 and 13-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the amendment filed on 11 April 2007.
2. Claims 1-3, 5-11 and 13-18 are pending in the application.
3. Claims 1-3, 5-11 and 13-18 have been rejected.
4. Claims 4 and 12 have been cancelled.

Response to Amendment

5. The examiner approves of the amendment made to independent claims 1 and 10. No new matter has been added. The amendment to the claims overcomes the rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is now clear to the examiner where the integrity check takes place. There is no longer any issues with lack of antecedent basis.

Response to Arguments

6. Applicant's arguments filed 11 April 2007 have been fully considered but they are not persuasive.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

On page 6, the applicant argues that Midgley teaches away from "reinstalling the file at the remote location".

The examiner respectfully disagrees. The applicant argues that Midgley teaches storing updated backup files that capture changes made to the source file. Midgley discloses replication

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of data. The definition of replication is to duplicate or copy. The examiner asserts that replicating files does not teach away from the claimed subject matter in independent claims 1 and 10.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 6, 7, 9-11, 14, 15 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Midgley et al U.S. Patent No. 6,779,003 B1.

As to claims 1 and 10, Midgley et al discloses a method for maintaining the integrity of a file at a remote location via a communication medium, comprising the steps of:

At the integrity module, performing an integrity check on the file [column 14 line 52 to column 15 line 43];

redirecting to an install module if the integrity check fails [column 15, lines 44-63],

wherein the step of redirecting to the install modules comprises the steps of:

modifying an address of the install module to include a parameter to indicate the remote location of the file [column 15, lines 44-63];

producing, from the remote location, a request based on the modified address [column 15, lines 44-63], and

communicating the request to the install module in a login page that instantiated the file at the remote location [column 15, lines 44-63]; and

reinstalling the file at the remote location via the communication medium, thereby maintaining the integrity of the file [column 14 line 52 to column 15 line 43].

As to claims 2 and 11, Midgley et al discloses that the step of performing the integrity check comprises the steps of:

using an algorithm on the file to produce a remote value [column 14 line 52 to column 15 line 43];

communicating the remote value to an integrity module via the communication medium [column 14 line 52 to column 15 line 43];

using the algorithm on a mirror file to produce a secure value, wherein the mirror file is a valid copy of the file [column 14 line 52 to column 15 line 43]; and

communicating that the integrity check passed if the remote value and the secure value are equivalent [column 14 line 52 to column 15 line 43].

As to claims 3 and 18, Midgley et al discloses that the algorithm is a hash algorithm [column 14 line 52 to column 15 line 43].

As to claims 6 and 14, Midgley et al discloses that the communication medium is the Internet [column 8, lines 27-49].

As to claims 7 and 15, Midgley et al discloses that the communication medium is a local network [column 8, lines 27-49].

As to claims 9 and 17, Midgley et al discloses that the remote location is an authentication control component [column 8, lines 27-49].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley et al U.S. Patent No. 6,779,003 B1 as applied to claims 1 and 10 above, and further in view of Gauvin et al U.S. Patent No. 5,991,760.

As to claims 5 and 13, Midgley et al does not teach that the step of reinstalling the remote file comprises generating a reinstallation web page, by the install module, based on a request from the remote location. Midgley et al does not teach that the step of reinstalling the remote file comprises communicating the reinstallation web page, via the communication medium, to the remote location. Midgley et al does not teach that the step of reinstalling the remote file comprises reinstalling the remote file at the remote location.

Gauvin et al teaches generating a reinstallation web page, by the install module, based on a request from the remote location. Gauvin et al teaches reinstalling the remote file comprises communicating the reinstallation web page, via the communication medium, to the remote

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location. Gauvin et al teaches reinstalling the remote file at the remote location [column 6, lines 17-60].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Midgley et al so that a reinstallation web page would have been generated, by the install module, based on a request from the remote location. The remote file would have been reinstalled by communicating the reinstallation web page, via the communication medium, to the remote location. The remote file would have been reinstalled at the remote location.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Midgley et al by the teaching of Gauvin et al because it provides a user with a clean updated version of the file [column 2, lines 12-28].

9. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Midgley et al U.S. Patent No. 6,779,003 B1 as applied to claims 1 and 10 above, and further in view of Satyanarayana et al U.S. Patent No. 5,909,429.

As to claims 8 and 16, Midgley et al does not teach that the communication medium is a wireless network.

Satyanarayana et al teaches a communication network that is a wireless network as well as its benefits [column 6 line 66 to column 7 line 9].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Midgley et al so that the communication medium was a wireless network.

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It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Midgley et al by the teaching of Satyanarayana et al because wireless networks eliminate the need for connectors and wires at the, provides an opportunity for testing the operation of the nodes prior to completion of installation of the network (and prior to execution of the network initialization routine), and reduces the cost and time required for installation of the wireless network [column 9, lines 37-47].

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K. Moorthy whose telephone number is 571-272-3793. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Aravind K Moorthy *AM*
June 26, 2007

Ayaz Sheikh
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SUPERVISORY PATENT EXAMINER
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